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10 *Attorney for State Defendants*

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 Jessica Kahraman, an individual; and
14 D.K., a minor through his parent and
15 guardian Jessica Kahraman; and K.K., a
16 minor, through his parent and guardian
17 Jessica Kahraman,

18 Plaintiff,

19 vs.

20 The State of Arizona, a governmental
21 entity; Arizona Department of Child
22 Safety, a governmental entity; Madison
23 Bell, individually and as an employee
24 with the State of Arizona Department of
25 Child Safety, and John Doe Bell, her
26 spouse; Sarah Kramer, individually and
27 as an employee with the State of Arizona
28 Department of Child Safety, and John
Doe Kramer, her spouse; Sarah Mendez,
individually and as an employee with the
State of Arizona Department of Child
Safety, and John Doe Mendez, her
spouse; Mecca Temple, individually and
as an employee with the State of Arizona
Department of Health Services, and John
Doe Temple, her spouse; Southwest
Human Development, an Arizona
nonprofit organization, individually and
as a service provider for the State of
Arizona; Drue Kaplan-Siekman,
individually and as an employee with
Southwest Human Development, and
John Doe Siekman, her spouse; Banner
Children's Medical Center, an Arizona
nonprofit organization; Michael Kelly

Case No:

Maricopa County Case No:
CV2021-054067

**NOTICE OF REMOVAL FROM STATE
COURT UNDER 28 U.S.C. § 1441(a) and
28 U.S.C. § 1446**

1 and individual, and Jane Doe Kelly, his
2 spouse; John and Jane Does 1-5; and
3 Black Entities 1-5,

4 Defendant.

5 Defendants, State of Arizona, Arizona Department of Child Safety, Madison Bell,
6 Sarah Kramer, Sarah Mendez, and Mecca Temple (“Defendants”) pursuant to 28 U.S.C.
7 §§ 1441(a) and 1446, hereby gives notice of removal of the state court action entitled
8 *Jessica Kahraman, et al. v. Arizona Department of Child Safety, et al.* currently pending
9 in the Superior Court of the State of Arizona, Maricopa County, case No. CV2021-
10 054067, to the United States District Court for the District of Arizona, and in support of
11 removal states the following:

12 1. Joseph Montoya of the Attorney General’s Office was served with a copy
13 of the Summons and Complaint on February 9, 2022.

14 2. Defendants Madison Bell and Mecca Temple were personally served with a
15 copy of the Summons and Complaint on February 17, 2022.

16 3. An acceptance of service of process was filed on behalf of Sarah Kramer
17 and Sarah Mendez on March 9, 2022.

18 4. The Attorney General’s Office represents Defendants State of Arizona,
19 Arizona Department of Child Safety, Madison Bell, Mecca Temple, Sarah Kramer and
20 Sarah Mendez.

21 5. William Doyle represents Defendants Southwest Human Development and
22 Drue Kaplan-Siekmann. They consent to the removal.

23 6. Margaret Dean represents Defendant Banner Children’s at Desert. ?????

24 7. All properly served Defendants consent to this removal under 28 U.S.C. §
25 1446 (b)(2)(a).

26 8. Pursuant to L.R. Civ 3.6, the following documents are attached as Exhibit
27 A and constitute all of the pleadings and documents filed in the state court action:

28 a. Verification

b. Court Docket

- 1 c. Complaint
- 2 d. Cert. Arbitration – Not Subject
- 3 e. Summons to St of AZ
- 4 e. Summons to DCS
- 5 f. Summons to Madison Bell
- 6 g. Summons to John Doe Bell
- 7 h. Summons to Sarah Kramer
- 8 i. Summons to John Doe Kramer
- 9 j. Summons to Sarah Mendez
- 10 k. Summons to John Doe Mendez
- 11 l. Summons to Mecca Temple
- 12 m. Summons to John Doe Temple
- 13 n. Summons to Southwest Human Development
- 14 o. Summons to Drue Kaplan-Siekman
- 15 p. Summons to John Doe Siekman
- 16 q. Summons to Banner Children's at Desert, FKA, Cardon Children's
17 Medical Center
- 18 r. Summons to Michael Kelly
- 19 s. Summons to Jane Doe Kelly
- 20 t. Summons to John and Jane Does 1-5
- 21 u. Summons to Black Entities 1-5
- 22 v. Notice of Intent to Dismiss Case for Lack of Service
- 23 w. Affidavit of Attempted Service John Doe Kramer
- 24 x. Affidavit of Attempted Service Michael Kelly
- 25 y. Affidavit of Attempted Service Jane Doe Kelly
- 26 z. Affidavit of Service Drue Kaplan-Siekman
- 27 aa. Affidavit of Service Southwest Human Development

1 bb. Affidavit of Service Banner Children's at Desert, fka, Cardon
2 Children's Medical Center
3 cc. Proof of Service to St of AZ
4 dd. Affidavit of Service Madison Bell
5 ee. Affidavit of Service Mecca Temple
6 ff. Affidavit of Service John Doe Bell
7 gg. Affidavit of Service John Doe Temple
8 hh. Affidavit of Service DCS
9 ii. Affidavit of Attempted Service Sarah Kramer
10 jj. Notice of Appearance of Thomas H. Doyle on behalf of Southwest
11 Human Development and Drue Kaplan-Siekman
12 9. Defendant has not pled or answered.
13 10. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)
14 because it is within 30 days after receipt of a pleading, motion, order or other paper from
15 which it may be ascertained that the case is one which is or has become removable, and
16 within one year after commencement of the action and within 30 days of the last waiver
17 of service filed in this action.

18 11. Under 28 U.S.C. § 1441(a), this action is removable to this Court because
19 28 U.S.C. § 1331 provides this Court with original jurisdiction over Plaintiffs' claims
20 arising under the Constitution or laws of the United States. Specifically, Plaintiff has
21 sued Madison Bell, Mecca Temple, Sarah Kramer and Sarah Mendez under 42 U.S.C. §
22 1983 claiming their actions violated Plaintiffs' rights under the Fourth and Fourteenth
23 Amendments.

24 12. To the extent Plaintiffs' Complaint raises state law claims, this Court has
25 supplemental jurisdiction pursuant to 28 U.S.C. § 1337(a) because the state law claims
26 form part of the same case or controversy as the federal question claims for which the
27 Court has original jurisdiction.

13. A copy of this Notice is being filed with the Clerk of the Superior Court of Maricopa County pursuant to LR Civ 3.6.

RESPECTFULLY SUBMITTED, this 10th day of March, 2022.

**Mark Brnovich
Attorney General**

/s/ Christopher J. Feasel
Christopher J. Feasel
Assistant Attorney General
Attorney for State Defendants

Original of the foregoing electronically
Filed this 10th day of March, 2022, with:
Clerk of the United States District Court
using the CM/ECF System for filing and
mailed a copy to:

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By Melissa Ventura
LMS22-0049/RSK: G202220083-1/HDM#10196175